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Held at the Palais des Nations, Geneva,
on Tuesday, 5 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Eleventh to fourteenth periodic reports of the Philippines (CERD/C/299/Add.12; HRI/Corr.1/Add.37)

1. At the invitation of the Chairman, Mrs. Bautista, Mr. Lepatan, Mrs. Sibug, Mrs. Chavez and Mr. Adamat (Philippines) took places at the Committee table.

2. Mrs. BAUTISTA (Philippines), providing an update of the information on the situation in the Philippines in terms of racial discrimination, said that racial discrimination, as defined in the Convention, had always been alien to the culture of the Filipino people. The disparities between the level of development attained by the majority of Filipinos and the level at which the others - the Muslim Filipinos and the indigenous cultural communities - had remained, were attributable to colonialism, which the latter had resisted by clinging to their traditional ways of life. Filipinos all had the same racial and ethnic origins. Nevertheless, the Constitution gave special protection to the rights of the indigenous cultural communities and the Muslim Filipinos. The Government of the Philippines was still adopting legislative, judicial and administrative measures to provide such protection. The Constitution required Congress to enact the necessary measures to eliminate cultural inequalities and to ensure the fair distribution of wealth and a genuine sharing of political power. The State was also required to protect the rights of the indigenous cultural communities to their ancestral lands and their right to develop their culture and traditions. As early as April 1978, a presidential decree had introduced penalties for violations of the Convention. That decree had as yet never been invoked by any individual, group or organization. Moreover, since 1986 school curricula had included the study of human rights, while measures to promote knowledge of and protect human rights were also taken outside school.

3. She drew attention to the definition in paragraph 29 of the report of the term "indigenous cultural communities", and confirmed the assertions made in paragraphs 30-32 concerning the Philippine Government's main areas of concern in respect of those communities, and the projects and measures implemented, such as the Social Reform Agenda to ensure the social and economic development of the cultural communities in the north, and the flagship programmes for the benefit of the southern cultural communities.

4. The educational system, under which it was planned (report, para. 33) to provide the children of each community with an opportunity to receive an education in their own dialect, was in place, and festivals, textbooks and educational programmes gave pride of place to the traditional cultures. She drew attention to the measures introduced on behalf of agricultural workers, described in paragraph 35 of the report, the opportunity offered between 1975 and 1980 to members of the cultural communities to enter the Civil Service through special examinations without a written test, and the possibility given

to them since 1989 to enter the professional and subprofessional categories through written examinations which gave them equal opportunities for employment in the administration.

5. She then addressed the problem which lay at the core of the indigenous cultural communities' struggle for social and economic advancement: their claims to ancestral lands or domains of which they had been dispossessed. The first measures taken to recognize the justification for their claims through a census and delimitation of the lands and domains in question - some 2 million hectares - had been well received by the indigenous communities. She drew the Committee's attention to paragraphs 46 and 47 of the report describing the implementation of the Comprehensive Agrarian Reform Programme and the mechanisms to enable the indigenous cultural communities to participate in policy-making.

6. Lastly, she emphasized that the Government of the Philippines was endeavouring to assist the indigenous cultural communities to pursue their development, to design and implement their own projects and to preserve their culture in accordance with their own wishes. She drew attention to the Offices for Northern and Southern Cultural Communities, whose action was based on dialogue with the communities concerned and an assessment of their needs. She also referred to the manifold responsibilities of the Office of Muslim Affairs which was charged, as was explained in paragraph 54 of the report, with promoting the welfare and development of the Filipino Muslims, who made up some 10 per cent of the population. Finally, she drew attention to the recently established autonomous region of Muslim Mindanao, where elections had recently been held.

7. Mr. GARVALOV (Country Rapporteur) pointed out that when the previous periodic report of the Philippines (CERD/C/172/Add.17) had been examined, the Government of the Philippines had promised to answer outstanding questions and to provide updated statistics in its next report. Since that date, 16 August 1989, there had been important developments of concern to the Committee. In 1990, the Government had inaugurated the autonomous region of Muslim Mindanao; in that connection, he asked why only four provinces enjoyed autonomy and how effective the measure had proved. In the same year, the Social Reform Agenda had been launched as a means of combating poverty and establishing social justice and a lasting peace. In 1993 the "Rules and Regulations on Children of Indigenous Cultural Communities" had been promulgated, as a means of providing children in those communities with basic health care, nutrition and other basic social services. In 1996, the issuing of certificates recognizing the rights of the indigenous cultural communities to their lands and ancestral domains had been regulated; the same year had seen the establishment of the Southern Philippines Council for Peace and Development and the Consultative Assembly for the region, which had been declared a Special Zone of Peace and Development following the conclusion of a peace agreement between the Government and the MNLF (Moro National Liberation Front). Those efforts on behalf of the advancement of the indigenous cultural communities and of the Filipino Muslims were continuing, and a number of bills to that effect had been submitted to Congress for consideration.

8. When he had read the report, which, according to paragraph 2, "deals with the legislative, judicial, administrative and other measures which have been adopted in the Philippines to give effect to the provisions of the ... Convention", he had formed the impression that it was somewhat unbalanced: the information provided in Chapter V on the indigenous cultural communities and the Filipino Muslims - which was undoubtedly of the greatest interest - was far more plentiful than the information provided in Chapter IV on the implementation of articles 2 to 7 of the Convention, which concerned the whole of the Filipino population. He also noted that the section of the report entitled "General statement" repeated the Government's views already set forth in the tenth periodic report, in other words that the Filipino people were from a single racial stock. While it was true that paragraphs 14 and 15 of the report cited data drawn from the 1990 census, they were unfortunately not analysed in such a way as to answer the questions put by the Committee in 1989, in particular those concerning the disparity between the Filipino population as a whole and the 8 million Filipinos belonging to some 110 tribes. The interest of the fourteenth periodic report was essentially to be found in its Chapter V, as the remainder had to be considered in conjunction with the information provided in the tenth periodic report (CERD/C/172/Add.17).

9. He then drew the Committee's attention to a number of specific points arising from the report under consideration. First of all, he had not found the promised update of the information contained in the tenth report. Secondly, he emphasized that, to be effective, the Constitution needed to be supplemented by specific legislation coupled with appropriate administrative and judicial measures, as required by articles 2, 4 and 7 of the Convention. Implementing legislation had already been adopted, although it essentially concerned the indigenous cultural communities and the Filipino Muslims, rather than the population as a whole. However, as the State party had itself recognized in paragraph 18 of its tenth periodic report, the application of the other provisions of the Convention would require the adoption or enactment of appropriate internal legislation.

10. Third, he was surprised that the decree adopted in 1978 by President Marcos, declaring unlawful any violation of the Convention and instituting appropriate penalties, had not been replaced by specific legislation. Despite the Government's assertion in paragraph 25, he doubted that no charges of racial discrimination had been brought against anyone, as there was every indication that the treatment of the indigenous populations and the Filipino Muslims under the Marcos regime had contravened the Convention, and in particular the provisions of article 4.

11. His fourth point concerned the application of article 5. Paragraph 26 of the report referred to the details provided in the tenth report, although there too, information was lacking: there was no mention of the laws protecting constitutionally guaranteed rights, or of the provisions of the revised Penal Code and of the current Civil Code or of the penalties laid down for racial discrimination, or of the appropriate criminal or civil procedure. Violations of personal liberty and security were defined in the revised Penal Code, articles 124 and 126 of which were intended to punish, inter alia, arbitrary detention, although no definitions were given, nor was the relevance

of those two articles to the implementation of articles 4, 5 and 6 of the Convention indicated. Nor was it clear whether article 5 of the Convention had been invoked before the courts and if so, what decisions had been taken.

12. Fifth, although the tenth periodic report had stated that freedom from discrimination in employment was guaranteed by the Labour Code of the Philippines it was questionable whether the Code effectively protected the indigenous peoples and Filipino Muslims. In paragraph 52 of the report under consideration, the State party recognized that during long years of neglect by the central Government, the Filipino Muslims had suffered from a number of problems - widespread poverty and income disparity, limited employment opportunities and inadequate basic social services and support facilities. It seemed that all those factors might well constitute violations of the Labour Code. Regarding the status of the Code, which, like many other items of legislation, had been adopted by decree, he asked what were the respective positions of presidential decrees and acts under domestic law.

13. Sixth, he suggested that the recognition, in paragraph 47 of the tenth periodic report, of disparities between the levels of development of the indigenous communities and the remainder of the population of the Philippines, amounted to an admission that the indigenous cultural communities were the victims of discrimination. Seventh, a number of important legislative and administrative measures were still pending before Congress. They were exceptionally significant steps in the overall efforts of the Philippines to address the major issues and problems of the indigenous cultural communities and Filipino Muslims. It was to be hoped that those bills and regulations would shortly become law.

14. Eighth, the latest report contained no information about cases of racial discrimination brought before the courts. He asked why that was so and whether the indigenous communities and Filipino Muslims were actually protected by law. Which specific laws and provisions of the Penal Code addressed the issue of reparations or compensation? Had the Philippine Commission on Human Rights considered any allegations of racial discrimination, and how did its mandate differ from that of the Ombudsman? Were human rights associations in the Philippines justified in claiming that the Commission was ineffective in gathering information, that it relied too often on the authorities' version of the facts and that its investigative procedure was quasi-judicial?

15. Ninth, in its 1997 report, Amnesty International raised a number of questions, and in particular the question of disappearances and of habeas corpus, which particularly concerned the indigenous populations and the Filipino Muslims. According to Amnesty International, habeas corpus and other judicial remedies had proved ineffective as a means of finding persons who had "disappeared" and bringing them before a judge. Their ineffectiveness was attributable to three interrelated factors: problems of judicial procedures, a lack of cooperation by the police and military and fear of testifying. He asked the Philippine delegation to provide the Committee with details, particularly with regard to the indigenous cultural communities and the Muslim Filipinos.

16. Tenth, paragraph 69 of the tenth report contained an important statement, according to which in the absence of an enabling law, the Constitutional provision was not self-executory. The Constitution guaranteed the principles of equal protection by the law and of due process of law and stated that no person should be deprived of life, liberty or property without due process of law. Such provisions were highly commendable, but yet again the question of legislation to implement those guarantees arose. The Philippine Constitution contained no specific provision prohibiting racial discrimination or distinction based on race, colour or on social, national or ethnic origin.

17. His eleventh and final point was that the information provided in the report under consideration in respect of article 7 of the Convention was highly relevant and showed that the Government of the Philippines had been making serious efforts to introduce education designed to develop awareness not only of human rights in general, but also of the provisions of article 7. Nationwide human rights training programmes had been organized, including study of the concepts of elimination of racial discrimination and cooperation and unity among indigenous cultural communities. Those steps were very important and the Government of the Philippines should be commended for having implemented the provisions of the Committee's General Recommendation V.

18. Turning to the chapter of the report entitled "General statement", he drew attention to paragraphs 4, 5 and 7. Paragraphs 4 and 7 categorically denied that there was any racial discrimination in the Philippines. However, in paragraph 5, it was admitted that there were "apparent racial distinctions or perceived instances of racial discrimination". Clearly, that contradiction required an explanation. He found it difficult to accept the statements made in paragraphs 4 and 7. The situation of the indigenous populations and of the Muslim Filipinos was sufficient proof.

19. Another major problem concerned the composition of the population of the Philippines and the inconsistencies in the information provided. The tenth report had referred to "some 8 million Filipinos belonging to about 110 tribes" out of a total population of approximately 60 million, all of whom were from the same racial stock, the Malays. The latest report did not indicate clearly how many Filipinos belonged to how many tribes, and other sources indicated that there were 12 million people belonging to 116 tribes. Moreover, extremely diverse terms were used to designate the indigenous peoples. Although the most common term was "indigenous cultural community", the terms "different tribes", "ethnic groups" and "national minorities" were also used. He asked for an explanation of the disparity.

20. Ethnic diversity was also corroborated by the large number of languages and dialects spoken in the Philippines, of which the four main ones were Cebuano, Tagalog, Ilocano and Ilongo. Any State party was entitled to recognize or not to recognize the existence of different ethnic groups and to designate them as minorities, ethnic groups or communities. However, the State party should provide the necessary legal, judicial, administrative and other guarantees to everybody under its jurisdiction and promulgate legislation to eliminate racial discrimination. He asked for further details of any relevant measures taken.

21. Turning to chapter V of the report, he drew attention to the definition of the term "indigenous cultural communities". In his view, it was not possible on the one hand to claim that a society was homogeneous and on the other to describe persons as indigenous on account of their social origin. If the indigenous peoples in the Philippines described themselves as such, their choice and rights should be respected. Any form of or attempt at assimilation, if not voluntarily accepted, would be contrary to the spirit and letter of the Convention.

22. The report under consideration contained detailed information on the measures taken by the Government of the Philippines to improve the situation of the indigenous peoples and of the Muslim Filipinos: equal employment opportunities, agrarian reform, recognition of ancestral lands, social infrastructure, education, health, technology transfer and preservation of the cultural heritage, etc. However, the Committee on the Rights of the Child had recommended that the Government of the Philippines take steps to eliminate discrimination against certain groups of children, especially those belonging to the cultural communities. He asked for details of any such measures.

23. Several bills of direct concern to the indigenous peoples and Muslim Filipinos had to do with the key issue of ancestral lands or domains. Although the approval by President Ramos of bill No. 1476, in the hope of speeding up the adoption of legislation to settle the issue was encouraging, the required legislation was still lacking and the "certificates" referred to in paragraph 43 of the fourteenth report were not deeds of property. The problem remained unresolved.

24. Another important question concerned the autonomy of the Cordillera region. After a plebiscite organized on 30 January 1990, only one of the five provinces in the region had approved the act on autonomy. He asked why the four other provinces had not approved the act. Moreover, according to an independent survey, the Lumad, who used to exercise control over a vast territory encompassing 17 provinces, were apparently a majority in only 7 towns nowadays. The Moro, who had controlled a territory encompassing 15 provinces and 7 towns, currently controlled only 5 provinces and 13 towns. He asked why that was so. The aspirations of the Lumad were well known: the right to self-determination, self-governance within their ancestral lands, revocation of the permits issued to companies and individuals to conduct forestry, mining and agricultural activities on their tribal lands and an end to the militarization of the indigenous peoples' territories. He asked how many of those demands had been met by the bill on the indigenous populations being considered by Congress. Were the indigenous peoples prepared for self-governance and to take part in the decision-making process? Had the Government of the Philippines given them sufficient training to exercise their political rights, and what guarantee was there that those rights would not remain theoretical?

25. Finally, he said that he had been able to ask so many questions because of the excellent quality of the reports submitted by the Government of the Philippines. He commended the Government and expressed the hope that the State party would continue to entertain a constructive dialogue with the Committee.

26. Mr. VALENCIA RODRÍGUEZ said he welcomed the comprehensive and instructive information in the report on the measures taken by the Government of the Philippines to comply with its obligations under the Convention. The additional information provided by the delegation of the Philippines, together with the exhaustive analysis made by the country rapporteur, provided a better understanding of the situation. Although the vast majority of the population was of Malay origin, there were also other ethnic groups, a majority of whom were Chinese, representing 0.02 per cent of the total population. While it was possible to accept the statement made in paragraph 4 that racial discrimination as it had been practised in South Africa had never existed in the Philippines, it was also necessary to recall that the Committee had repeatedly said that no society, no matter how homogeneous it might seem, was safe from racism.

27. It was recognized in paragraph 5 of the report that colonialism was responsible for the disparities between the level of development of the majority of Filipinos and that of the small number of inhabitants who had remained attached to their indigenous cultural heritage. In addition, chapter III contained valuable information on the differences in levels of development of the indigenous cultural communities. All those factors led him to express reservations about the assertion in paragraph 7 that discrimination based on race, colour or ethnic origin was non-existent in the Philippines. Nonetheless, the adoption of Presidential Decree No. 1350-A, whose purpose was to implement the provisions of the Convention in the country, should be commended.

28. He noted that the State party recognized and protected the rights of the indigenous cultural communities - for which the Committee could commend it - although it denied that it treated them differently from the remainder of the population despite its admission that they had not reached the same level of development as the majority of Filipinos. He asked how it was possible to promote equality for all without providing special treatment for the most underprivileged.

29. He welcomed the establishment of the Philippine Commission on Human Rights and asked for additional information on its activities. He asked whether the Commission was authorized to penalize human rights violations and whether the population as a whole, and lawyers and judges in particular, were familiar with the main provisions of the Constitution so that all victims of racial discrimination could defend their rights before the courts. He noted with satisfaction that Executive Order No. 27, of 1986, instructed the Department of Education, Culture and Sports to include the study and understanding of human rights in the curricula of all schools and to initiate programmes and projects to provide information on and discussion of human rights. He welcomed the organization of a "writeshop" on peace education modules, in which writers belonging to the indigenous cultural communities had participated.

30. Turning to chapter V, he noted with satisfaction the definition of "indigenous cultural communities" provided in paragraph 29 and the fact that the term also encompassed persons classified as indigenous because they descended from populations who had been living in the country at the time of conquest or colonization. He also commended the Government on the various

programmes it was conducting on behalf of those communities as part of the Social Reform Agenda. He would like to know to what extent the Comprehensive Agrarian Reform Law of 1988 and the National Integrated Protected Areas System Act of 1992 had made it possible for the indigenous cultural communities to assert their claims to their ancestral lands and to gain satisfaction. He asked whether Congress had adopted the bill concerning property rights and relations over ancestral domains and the bill on the rights of the indigenous cultural communities and peoples.

31. With regard to paragraph 46 of the report, he recommended that everything possible should be done to ensure the application of the measures provided for under the Comprehensive Agrarian Reform Programme and asked the Government to inform the Committee of the Programme's results.

32. The Government should be commended for its action on behalf of the Muslim Filipinos, who faced numerous problems: widespread poverty, income disparities, limited employment opportunities and inadequate basic social services and support facilities. The measures adopted might need to be strengthened in view of the scale of the difficulties facing those seven and a half million individuals.

33. Mr. DIACONU said that he welcomed the gradual introduction of democracy into the Philippines. He noted with satisfaction that the Philippine Government had taken a number of measures on behalf of the indigenous cultural communities and the Muslim communities. Even more significant, the Government had acknowledged the link between those communities and their ancestral lands. He was also gratified by the special measures adopted, in the spirit of article 1, paragraph 4 of the Convention, on behalf of those populations.

34. He said that he was intrigued by the assertion made in paragraph 7 that discrimination based on race, colour or ethnic origin was non-existent in the Philippines because Filipinos had essentially the same racial and ethnic origins and because such practice had never been implemented officially. Nonetheless, the definition of the "indigenous cultural communities" provided in paragraph 29 amounted to recognition that there were distinct groups. The definition in question was, moreover, akin to the definition of minorities to be found in numerous international instruments.

35. Paragraph 17 of the report stated that the Constitution mandated Congress to enact measures aimed, inter alia, at reducing social, economic and political inequalities and removing cultural inequities. However, there was no information on the actual application of any such measures. He recalled that when the Committee had considered the 1988 report of the Philippines it had requested statistics so that it could assess the extent to which the provisions of article 5 were put into practice.

36. He doubted that the Philippine authorities had complied with the requirements of article 4 of the Convention merely by promulgating a presidential decree declaring unlawful and penalizing violations of the Convention. He emphasized that States parties were specifically required to adopt legislative measures to ensure the implementation of the Convention.

Accordingly, he urged the Government to review national legislation in order fully to implement article 4 of the Convention, and to inform the Committee of the results of the exercise.

37. Mrs. ZOU said that she too had noted several contradictions in the report. Paragraph 5 stated that there had never been any racial discrimination in the Philippines in traditional society, even though the same paragraph described disparities in standard of living and access to land, education and employment, between the majority of Filipinos and those who had clung to their indigenous cultural heritage, a situation which, according to the report, resulted in apparent racial discrimination. She asked for further clarification. Moreover, according to the 1990 census, there were 2,757,020 Muslims (para. 14), whereas, according to a survey conducted by the Office of Muslim Affairs, their number was 6.6 million in 1992. She asked what the actual figure was.

38. She would appreciate further information on the protection of the children of the indigenous cultural communities. She asked how many children had access to education, how many primary and secondary schools there were, and what languages were used in the public services.

39. Paragraph 39 of the report stated that Senate Bill No. 212 on equal employment opportunities in all offices, agencies or branches of Government allotted a minimum of 15 per cent of all positions to members of the indigenous cultural communities. She asked what stage the bill had reached and what was the percentage of Muslim Filipinos in the civil service. She also inquired whether the members of the indigenous cultural communities and Muslim Filipinos working in the agricultural sector had the same educational opportunities as other segments of the population.

40. Mr. de GOUTTES said that he wished to emphasize the numerous positive developments described in the report, beginning with the establishment of an independent commission on human rights. He would appreciate further information on the Commission's activities. With reference to paragraph 18, he was interested to note that, for the first time, the rights of the indigenous cultural communities and of Muslim Filipinos were enshrined in the Constitution. He noted with satisfaction the progress achieved in respect of access to employment, education and basic services and the protection afforded to the rights of the indigenous cultural communities living on their ancestral lands. He was pleased to note that the Constitution provided for the creation of autonomous regions in the Muslim region of Mindanao and in the Cordillera.

41. Nevertheless, he was unconvinced by the assertion that there had never been any racial discrimination in traditional Philippine society. It was possible to conclude from paragraph 5 that traces of racial discrimination that might give rise to complaints or criminal proceedings persisted. Regarding the presidential decree mentioned in paragraph 25, he asked whether it was equivalent to an actual legal instrument declaring any violation of the Convention punishable by law. He suggested that it might be more appropriate to incorporate the provisions of the decree into the Penal Code.

42. He would appreciate further information on the peace agreement signed between the Government and the Moro National Liberation Front. According to

Amnesty International's 1997 report, despite the Government's efforts to involve the Moro National Liberation Front in the peace negotiations, the regular forces were still fighting some armed groups operating in the region of Mindanao, and there had allegedly been bombardments which had caused civilian victims; Muslim, Christian and indigenous communities had allegedly been displaced, particularly in the areas of development projects. He asked for information on the situation.

43. Lastly, he encouraged the Philippine Government to make the declaration provided for by article 14 of the Convention.

44. Mr. van BOVEN said that he welcomed the presence within the delegation of representatives of the various indigenous communities. Generally speaking, he was not wholly satisfied by the structure of the report, which on the one hand provided information on the general implementation of the various articles of the Convention, and on the other described measures designed to foster the interests and well-being of the indigenous cultural communities and of the Muslim Filipinos, suggesting that the indigenous population and the Muslims formed a separate category. In addition, there were a number of inconsistencies in the report, to which the country rapporteur and other members of the Committee had already drawn attention. It was regrettable that the report had not been set out in the same way as the previous one.

45. Regarding the application of articles 2 to 7 of the Convention, the Government had merely repeated the information contained in the previous reports. Apparently, then, the Convention was not a dynamic instrument in the Philippines. However, the section on the measures designed to advance the interests of the indigenous cultural communities and Muslim Filipinos showed that their situation had progressed.

46. He said that he would appreciate further details about the activities of the Office of Muslim Affairs, referred to in paragraph 54. In respect of paragraph 57, which mentioned the enactment of Act No. 6734 creating the Autonomous Region in Muslim Mindanao, he asked why certain regions had chosen not to belong to the Autonomous Region. He questioned the wisdom of introducing autonomy in the absence of agreement among all the interested parties.

47. Like Mr. de Gouttes, he urged the Philippine Government to make the declaration provided for by article 14 of the Convention.

48. Mr. AHMADU pointed out with regard to paragraph 4 of the report, which stated that there had never been any racial discrimination in the Philippines, that in many instances it was easier to combat institutionalized apartheid than other forms of segregation. He had read with special interest - on account of his own faith - part B of chapter V concerning Muslim Filipinos, whose number had apparently increased considerably in just a few years (para. 14). There was nothing surprising about that because Muslims were polygamous, did not practise birth control and currently enjoyed far better living conditions than in the past. He asked whether the Tripoli Agreement, which predated the one referred to by Mr. de Gouttes, was actually applied and to what effect. He asked to what extent the Muslim community was integrated, particularly in the civil service, the judiciary, trade, industry and the

diplomatic service. Although numerous bodies had been set up, information on their functioning would be valuable. He would be interested to know when Islam and Christianity, respectively, had been introduced into the Philippines; his impression was that the former had been relegated to the rank of a minority religion after the enforced adoption of the latter. He would also appreciate more comprehensive information on how the Shariah operated alongside the secular regime when a conflict occurred between Christians and Muslims, and whether the parties could decide which system applied. Lastly, regarding the status of the provinces inhabited by Muslims, he asked whether they really were autonomous at all levels of their administration or whether they enjoyed only partial autonomy.

49. Mr. SHAHI said that he too was disturbed by a number of contradictory statements in the report concerning, on the one hand, the alleged absence of racial discrimination in the Philippines because Filipinos all came from the same racial stock (paras. 5 and 7), and on the other hand the presence of indigenous cultural communities (para. 29). Nevertheless, the concrete measures by which the Government intended to apply the provisions of article 2, paragraph 2 of the Convention to the indigenous communities should be commended. He would also like to know to what extent the peace agreement signed with the Moro National Liberation Front (MNLF) was likely to ensure that the communities enjoyed equitable decision-making power in respect of national administration and policies and to vest them with sufficient autonomy, particularly regarding the Shariah.

50. Mr. WOLFRUM expressed satisfaction that it had been possible to resume the dialogue with the Government of the Philippines. Although he did not intend to repeat all the relevant observations already made, he wished to associate himself with Mr. van Boven in deploring that the report, which should form a whole, had been divided into two distinct parts. The measures adopted by the Government of the Philippines on behalf of indigenous communities apparently complied with the recommendations on the return of land to indigenous communities which the Committee itself planned to adopt in a draft recommendation under consideration; he asked, however, whether those measures could be easily applied. In a case already brought to his attention, a clan had for months been claiming the return of 500 hectares of land; its claim was disputed by the majority tribe, which was better represented on local bodies and which had not hesitated to employ violence. He asked what the Government had done to settle the dispute by peaceful means. In a similar case, since 1988 a tribe had been demanding the return of 2,000 hectares of ancestral land, without so far obtaining satisfaction.

51. Mr. CHIGOVERA said that he too had noted contradictions in the report, which denied the existence of racial discrimination in the Philippines while nevertheless listing the measures taken by the Government to remedy the inequalities affecting the indigenous cultural communities. Apartheid, which was the subject of article 3 of the Convention, was an institutionalized and particular form of discrimination, but its absence did not mean that there were not other forms of discrimination covered by article 1, which could be attributable to individuals as well as to the authorities.

52. Mr. SHERIFIS, referring to paragraph 43 of the report and in particular to the approval expressed by President Ramos for Senate Bill No. 1476 on the

recognition, protection and promotion of the rights of indigenous peoples, asked whether that legislation signified the full implementation by the Philippines of the provisions of article 5 of the Convention concerning, inter alia, freedom of movement and freedom to own property. He also commended the Government of the Philippines for the conclusion of a peace agreement with the Moro National Liberation Front and wished it every success in the implementation of that agreement, which was likely to prove difficult.

53. The CHAIRMAN invited the delegation of the Philippines to reply to the questions put to it by the Committee at the next meeting.

The meeting rose at 6.05 p.m.